

lent green peas on the label was false and misleading and deceived and misled the purchaser when applied to canned mature soaked dry peas, and in that the first three words in the phrase "Prepared from Dry Peas" printed directly below the said device, were printed in inconspicuous type; whereas the fourth word "Peas" was printed in large prominent type, and the said phrase or statement was therefore misleading.

On May 24, 27, and 28, June 4, July 15, and August 8, 1935, the claimants having filed amended answers admitting the allegations of the amended libels, and having consented to the entry of decrees, judgments of condemnation were entered and it was ordered that the product be released under bond conditioned that it be relabeled under the supervision of this Department.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24702. Adulteration and misbranding of coffee and chicory. U. S. v. Nicholas F. Cassino (Cassino Coffee Co.). Plea of guilty. Fine, \$50. (F. & D. no. 31427. Sample no. 33633-A.)**

This case was based on a shipment of coffee and chicory which contained added undeclared cereal.

On June 15, 1934, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Nicholas F. Cassino, trading as the Cassino Coffee Co., Vicksburg, Miss., alleging shipment by said defendant in violation of the Food and Drugs Act on or about March 23, 1933, from the State of Mississippi into the State of Louisiana of a quantity of coffee and chicory which was adulterated and misbranded. The article was labeled in part: "Big Indian Coffee and Chicory Roasted and Packed By Cassino Coffee Co., Vicksburg, Mississippi."

The article was alleged to be adulterated in that cereal had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and in that cereal had been substituted in part for coffee and chicory, which the article purported to be.

Misbranding was alleged for the reason that the statement "Coffee and Chicory", borne on the packages, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since it did not consist wholly of coffee and chicory, but consisted in part of cereal.

On May 21, 1935, the defendant entered a plea of guilty and the court imposed a fine of \$50.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24703. Misbranding of butter. U. S. v. Chester B. McAllister and Ralph N. McAllister (McAllister Bros.). Pleas of guilty. Fines, \$50. (F. & D. no. 32086. Sample nos. 40663-A, 40720-A.)**

This case involved butter which failed to bear on the package a statement showing the quantity of the contents.

On May 7, 1934, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Chester B. McAllister and Ralph N. McAllister, copartners trading as McAllister Bros., Marceline, Mo., alleging shipment by said defendants in violation of the Food and Drugs Act as amended on or about June 19 and July 11, 1933, from the State of Missouri into the State of Illinois of quantities of butter which was misbranded.

The article was alleged to be misbranded in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 27, 1935, the defendants entered pleas of guilty and the court imposed fines totaling \$50.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24704. Adulteration and misbranding of coffee and chicory. U. S. v. Nicholas Cassino (Cassino Coffee Co.). Plea of guilty. Fine, \$50. (F. & D. no. 32147. Sample no. 46291-A.)**

This case was based on a shipment of coffee and chicory which contained added undeclared cereal.

On August 11, 1934, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Nicholas Cassino, trading as the Cassino Coffee Co., Vicksburg, Miss., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about July 6, 1933, from the State

of Mississippi into the State of Louisiana of a quantity of coffee and chicory which was adulterated and misbranded. The article was labeled in part: "Big Indian Coffee and Chicory Roasted and Packed by Cassino Coffee Co. Vicksburg: Mississippi."

The article was alleged to be adulterated in that cereal had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in part for coffee and chicory, which the article purported to be.

Misbranding was alleged for the reason that the statement, "Coffee and Chicory", borne on the label, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since it did not consist wholly of coffee and chicory, but did consist in part of added undeclared cereal.

On May 21, 1935, the defendant entered a plea of guilty and the court imposed a fine of \$50.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24705. Misbranding of cottonseed screenings. U. S. v. Southland Cotton Oil Co. Plea of nolo contendere. Fine, \$251. (F. & D. no. 32174. Sample nos. 19848-A, 63706-A, 63720-A.)**

This case was based on shipments of cottonseed screenings that contained less than 43 percent of protein, the amount declared on the label.

On February 27, 1935, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Southland Cotton Oil Co., a corporation, Waxahachie, Tex., alleging shipment by said company in violation of the Food and Drugs Act, on or about August 25, December 13, 1933, and March 15, 1934, from the State of Texas into the State of Kansas of quantities of cottonseed screenings which were misbranded. The article was labeled, variously: (Tags) "Army Brand \* \* \* Guaranteed Analysis Protein, not less than 43.00% \* \* \* Louis Tobian & Co. Dallas, Texas"; "Southland's \* \* \* Prime Quality Guaranteed Analysis Crude Protein, not less than 43% \* \* \* Made \* \* \* By Southland Cotton Oil Company Head Office Paris, Texas"; "Guaranteed Analysis Protein, not less than 43% \* \* \* Manufactured for Kansas City Cake & Meal Co. \* \* \* Kansas City, Mo."

The article was alleged to be misbranded in that the statements, "Guaranteed Analysis Protein, not less than 43.00%, \* \* \* Protein, not less than 43%", borne on the labels, were false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since it contained less than 43 percent of protein, samples taken from each of the three shipments having been found to contain 40.88 percent, 39.94 percent, and 40.50 percent of protein, respectively.

On May 7, 1935, a plea of nolo contendere was entered on behalf of the defendant company and the court imposed a fine of \$251.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24706. Misbranding of Grapesugar. U. S. v. Certain Quantities of Grapesugar. Decree of condemnation and destruction. (F. & D. no. 32418. Sample nos. 55413-A to 55417-A, incl.)**

This case involved products sold as ingredients for making various types of wines, which were found to consist of artificially flavored and artificially colored corn sugar with a small proportion of concentrated grape juice. The products were also short weight.

On March 23, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of certain quantities of Grapesugar at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about February 15 and February 19, 1934, by Grapesugar, Ltd., from Burbank, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Grapesugar Burgundy [or "Muscatel", "Port", "Sherry", "Zinfandel", or "Sauterne"] Flavor-Color Red-Dry Type Wine Taste Net Wt., 1 lb. Directions for Wine. \* \* \*."

The article was alleged to be misbranded in that the above-quoted statements on the label were false and misleading and tended to deceive and mislead the purchaser, since the product consisted of artificially flavored and artificially colored corn sugar with a small proportion of concentrated grape